IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 416 of 2005

Between:

B.S. Reddy, S/o Late Mallareddy,
R/o 1-6-112/3, Suryapet, Nalgonda District.

..... PETITIONER

AND

The Depot Manager, APSRTC, Bus Depot, Suryapet, Nalgonda District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction particularly one in the nature of Writ of Mandamus declaring the impugned punishment of deferring annual increments for a period of (1) year with cumulative effect vide Proc.No. 02/104(D55)/85-SRPT dated 29-4-1986 as illegal, arbitrary and in violation of Reg. 12 (2) of APSRTC, CC & A Reg. 1967 and direct the respondent to restore the deferred increments along with all consequential benefits in the interest of justice and fair play.

Counsel for the Petitioner: MR.V.NARASIMHA GOUD

Counsel for the Respondent No.: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court made the following :

ORAL ORDER:

This writ petition is filed challenging the proceedings No.02/104 (D55)/85-SRPT, dated 29.4.1986 issued by the respondent deferring the annual increment of the petitioner for a period of one year with cumulative effect.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent and perused the material on record.

The learned counsel for the petitioner has vehemently contended that the respondent passed impugned proceedings imposing major penalty of deferment of annual increment for a period of one year with cumulative effect without conducting any enquiry. Therefore, the impugned proceedings suffer from legal infirmities.

On the other hand, the learned standing counsel for the respondent has opposed the same contending that the writ petition is liable to be dismissed on the ground of latches.

No doubt, the contention of the learned counsel for the petitioner has

to be accepted in view of the fact that no departmental enquiry has been conducted. There is a dispute that deferment of annual increment for a period of one year with cumulative effect is a major penalty, which cannot be imposed unless preceded by a regular departmental enquiry.

Admittedly, in this case, no departmental enquiry was conducted before the impugned proceedings were passed. An appeal or a revision has to be filed before any appropriate authority within a reasonable period of time. But, the petitioner has not availed the remedy of filing either appeal or revision and has filed this writ petition only after a lapse of 20 years. In the affidavit, the petitioner has not explained the reasons for the delay. There is no limitation prescribed to invoke Article 226 of the constitution of India. The petitioner has filed this writ petition after a lapse of 20 years, which, in my considered opinion, cannot be said to be a reasonable time. The Courts will render justice to the parties who are vigilant over their rights but not who slept over their rights.

For the foregoing reasons, the writ petition is dismissed on the ground of latches. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

20th January, 2005

bcj

To

1. The Depot Manager, APSRTC, Bus Depot, Suryapet, Nalgonda District.

2. Two C.D. copies.